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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,534	06/21/2000	Brian A. LaMacchia	MS 146911.1/40062.65US01	6764
22801	7590	03/01/2005	EXAMINER GURSHMAN, GRIGORY	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/598,534

Applicant(s)

LAMACCHIA ET AL.

Examiner

Grigory Gurshman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25, 37-45, and 49-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25, 37-45 and 49-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendments of claims 22, 23, 45 and 53 address minor informalities and do not change the scope of the instant claims.
2. The amendment of Fig. 7 of drawings is accepted by examiner.
3. Regarding the pending claims 1-25, 37-45 and 49-56, Applicant argues that 35 USC § 102 is made in error since anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference. With respect to this argument examiner points out that all of the elements of the claims have been met by teachings of Gong reference as follows (taking the independent claims 1, 24, 25, 37 as an example):

the limitation "a security policy specification defining a plurality of code groups" is met by determination assigned to a protection domain based on the source from which the code is received (see abstract). The limitation "evidence associated with the code assembly" is met by class definitions contained in the code stream 220 (in Fig 2) – see page 8, lines 3-5. The limitation "evaluating the evidence relative to the code groups to determine membership of the code assembly in one or more of the code groups" is met by determining the class defined by the class definition from the code stream, which is associated with a class name (238) and the code's source (236) – see Fig. 2 and page 8, lines 14-16. The "code assembly" is met by the class object. The limitation "generating the permission grant set based on one or

more code-group permission sets, each of the one or more code-group permission sets being associated with a code group in which the code assembly is a member" is met by the teaching that a determination is made as to whether the action is permitted based on the class to which the object belongs and the association between classes and protection domains (see abstract). The "code group" is met by protection domain.

4. With regard to the claims 1-25, 37-45 and 49-56, Applicant goes into stating the technical differences between the claimed invention and Gong reference. With respect to the Applicant's analyses examiner points out that none of the alleged differences are reflected in the claims. Therefore the case of anticipation is sufficiently established.
5. In view of the reasons presented herein rejection of the pending claims 1-25, 37-45 and 49-56 is maintained.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-25, 37-45 and 49-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Gong (WO 99/30217).

8. Referring to the instant claims, Gong discloses protection domains to provide security in a computer system (see title). Gong teaches a method and apparatus are provided for maintaining and enforcing security rules using protection domains. As new code arrives at a computer, a determination is assigned to a protection domain based on the source from which the code is received. The protection domain establishes the permissions that apply to the code. In embodiments where the code to be executed by the computer belongs to object classes, an association is established between the protection domains and the classes of objects. When an object requests an action, a determination is made as to whether the action is permitted based on the class to which the object belongs and the association between classes and protection domains (see abstract and Figs 1-3).

9. Referring to the independent claims 1, 24, 25, 37, the limitation “ a security policy specification defining a plurality of code groups” is met by determination assigned to a protection domain based on the source from which the code is received (see abstract). The limitation “evidence associated with the code assembly” is met by class definitions contained in the code stream 220 (in Fig 2) – see page 8, lines 3-5. The limitation “evaluating the evidence relative to the code groups to determine membership of the code assembly in one or more of the code groups” is met by determining the class defined by the class definition from the code stream, which is associated with a class name (238) and the codes source (236) – see Fig. 2 and page 8, lines 14-16. The “code assembly” is met by the class object. The limitation “generating the permission grant set based on one or more code-group permission sets, each of the one or more

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code-group permission sets being associated with a code group in which the code assembly is a member” is met by the teaching that a determination is made as to whether the action is permitted based on the class to which the object belongs and the association between classes and protection domains (see abstract). The “code group” is met by protection domain.

10. Referring to claims 22, 23, 49 and 53, the limitation “performing verification on the code assembly” is met by Fig. 4. The limitation “ determining whether the code assembly may be executed despite the verification failure “ is met by block 428 in Fig.4.

11. Referring to claims 4 and 5, the limitation “computing the logical set operation based on order value associated with the code group” creating of a class object (260 and 262 in Fig.2) based on keys (236) and code identifier (232).

12. Referring to claims 7 and 9, it is inherent for a class object to have a code hierarchy.

13. Referring to claims 10 and 11, it is inherent to generate a permission based on the security level of the policy.

14. Referring to claim 12, 29, 30 and 32, the limitation “merging the permission sets to generate the permission grant” is shown in Fig. 3.

15. Referring to claims 18,19 and 43, the limitation “extracting one or more trust characteristics from the evidence” is met by keys, class name, code identifiers (see 232, 238, 236 in Fig.2).

16. Referring to claim 27, the limitation “parser reading the security policy specification is met by Domain Mapper (248 in Fig. 2).

17. Referring to claims 50 and 51, the limitation "receiving evidence associated with a class of the code assembly" is met by block 232 and 238 in Fig. 2.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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